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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/696,794	10/30/2003	Cheng Chung Wang	10111395	8106
34283	7590	06/22/2006	EXAMINER	
QUINTERO LAW OFFICE 1617 BROADWAY, 3RD FLOOR SANTA MONICA, CA 90404			HEWITT, JAMES M	
			ART UNIT	PAPER NUMBER
			3679	

DATE MAILED: 06/22/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/696,794	WANG, CHENG CHUNG	
	<b>Examiner</b>	<b>Art Unit</b>	
	James M. Hewitt	3679	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 05 April 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) 2-5 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 and 6-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 4/5/06 has been entered.

### ***Election/Restrictions***

Claims 2-5 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species, there being no allowable generic or linking claim. Election was made **without** traverse in the telephone conversation with Nelson Quintero on 9/1/04.

### ***Specification***

The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: the upper portion and the lower portion of the mattress pad (claims 1 and 14).

The status of the nonprovisional parent application (whether patented or abandoned) needs to be included in the cross reference to related applications at the start of the specification. If a parent application has become a patent, the expression "now Patent No. \_\_\_\_" should follow the filing date of the parent application. If a parent application has become abandoned, the expression "now abandoned" should follow the filing date of the parent application.

### ***Claim Objections***

Claims 7-10 and 15-20 are objected to because of the following informalities:

In claim 7, line 1, "first" should be deleted.

In claim 7, line 2, "a first" should be replaced with "an".

In claim 7, line 3, "first" should be deleted.

Note that in the specification, the first air outlet is said to be connected to the back support.

In claim 10, it is unclear as to how a second valve and a second air outlet can be recited when a first valve and a first air outlet have not been recited.

In claim 10, line 2, "second" should be deleted.

In claim 10, line 2, "a second" should be replaced with "an".

In claim 10, line 3, "second" should be deleted.

Note that in the specification, the second air outlet is said to be connected to the mattress pad.

In claim 15, line 2, "inflatable mattress pad" should be replaced with "back support".

In claim 15, line 3, "back support" should be replaced with "inflatable mattress pad".

In claim 19, line 3, "a" should be inserted before "first".

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1, 6-13 and 19 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

In claim 1, reciting that the air pump assembly is built into the mattress pad *or the back support* constitutes new matter not supported by the original disclosure.

In claim 8, reciting that the air pump pumps air in a second direction to deflate the mattress pad, opposite to the first direction constitutes new matter not supported by the original disclosure.

In claim 9, reciting that the air mattress further comprises a switching pipe for inflating the mattress pad when in a first position and deflating the mattress pad when in a second position constitutes new matter not supported by the original disclosure.

In claim 13, reciting that the air pump assembly is actuated by a micro switch constitutes new matter not supported by the original disclosure.

In claim 19, reciting that the fan and motor can be activated by the motor switch in a second direction to deflate the inflatable mattress pad and inflatable back support constitutes new matter not supported by the original disclosure.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 7, 10-12, 14-18 and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by Grudzinskas (US 4,619,481).

With respect to claim 1 and with reference to Figure 21, Grudzinskas discloses an air mattress, comprising: a mattress pad (upholstery and padding of the chair), having an upper portion (134) and a lower portion (e.g. seat portion); a back support (inflatable chambers within the upholstery), adjacent to the upper portion of the mattress pad; and an air pump assembly (131,135,137), built into the mattress pad, inflating the

back support to raise the upper portion and vary an angle between the upper and lower portions of the mattress pad.

Given the broadest reasonable interpretation, the inflatable recliner has been considered as an air mattress insofar as the recliner could function as a mattress.

With respect to claim 7, the air pump assembly comprising a first valve (e.g. 27) and a first air outlet (60b) connected to the mattress pad, wherein the air pump assembly inflates the mattress pad (via compartment 15) when the first valve is open.

With respect to claim 10, the air pump assembly comprising a second valve (e.g. 27) and a second air outlet (60b) connected to the back support, wherein the air pump assembly inflates the back support (compartment 15) when the second valve is open.

With respect to claim 11, wherein the air pump assembly comprises a pack having a first air outlet (60a) connected to the back support and a second air outlet (60b) connected to the mattress pad.

With respect to claim 12, wherein the air pump assembly comprises a pack (131), a fan and motor (air compressor), and a motor switch (96) mounted on the pack to activate the fan and motor.

With respect to claim 14 and with reference to Figure 21, Grudzinskas discloses an air mattress comprising: an inflatable mattress pad (upholstery and padding of the chair) comprising an upper portion (134) and a lower portion (e.g. seat portion); a separately inflatable back support (inflatable chambers within the upholstery) disposed adjacent to the upper portion of the inflatable mattress pad; and an air pump assembly (131,135,137) built into the inflatable mattress pad, the air pump assembly separately

connected to the inflatable mattress pad and inflatable back support for inflation thereof, wherein the upper portion of the inflatable mattress pad is raised such that the angle between the upper and lower portions of the inflatable mattress pad is varied when the inflatable back support is inflated by the air pump assembly.

Given the broadest reasonable interpretation, the inflatable recliner has been considered as an air mattress insofar as the recliner could function as a mattress.

With respect to claim 15, wherein the air pump assembly further comprises a first air outlet (60b) communicating with the interior of the inflatable mattress pad, and a second air outlet (60a) communicating with the interior of the back support.

With respect to claim 16, wherein the air pump assembly further comprises a fan and motor (air compressor).

With respect to claim 17, wherein the air pump assembly further comprises a first valve (27) for controlling the passage of air through the first air outlet, and a second valve (26) for controlling the passage of air through the second air outlet.

With respect to claim 18, wherein the air pump assembly further comprises a first switch (74) for opening and closing the first valve, and a second switch (73) for opening and closing the second valve.

With respect to claim 20, wherein the air pump assembly is connected to the inflatable back support through the interior of the inflatable mattress pad.

Claims 1, 6-7, 10-12, 14-18 and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by Price (US 5,606,756).



With respect to claim 1 and with reference to Figure 29, Price discloses an air mattress, comprising: a mattress pad (312), having an upper portion (314) and a lower portion (316); a back support (318), adjacent to the upper portion of the mattress pad; and an air pump assembly (26), built into the mattress pad, inflating the back support to raise the upper portion and vary an angle between the upper and lower portions of the mattress pad.

With respect to claim 6, wherein the back support has a V-shaped cross section.

With respect to claim 7, the air pump assembly comprising a first valve and a first air outlet connected to the mattress pad, wherein the air pump assembly inflates the mattress pad when the first valve is open.

With respect to claim 10, the air pump assembly comprising a second valve and a second air outlet connected to the back support, wherein the air pump assembly inflates the back support when the second valve is open.

With respect to claim 11, wherein the air pump assembly comprises a pack having a first air outlet connected to the back support and a second air outlet connected to the mattress pad.

With respect to claim 12, wherein the air pump assembly comprises a pack, a fan and motor (104), and a motor switch mounted on the pack to activate the fan and motor.

With respect to claim 14 and with reference to Figure 29, Price discloses an air mattress comprising: an inflatable mattress pad (312) comprising an upper portion (314) and a lower portion (316); a separately inflatable back support (318) disposed adjacent to the upper portion of the inflatable mattress pad; and an air pump assembly

(26) built into the inflatable mattress pad, the air pump assembly separately connected to the inflatable mattress pad and inflatable back support for inflation thereof, wherein the upper portion of the inflatable mattress pad is raised such that the angle between the upper and lower portions of the inflatable mattress pad is varied when the inflatable back support is inflated by the air pump assembly.

With respect to claim 15, wherein the air pump assembly further comprises a first air outlet communicating with the interior of the inflatable mattress pad, and a second air outlet communicating with the interior of the back support.

With respect to claim 16, wherein the air pump assembly further comprises a fan and motor (104).

With respect to claim 17, wherein the air pump assembly further comprises a first valve for controlling the passage of air through the first air outlet, and a second valve for controlling the passage of air through the second air outlet.

With respect to claim 18, wherein the air pump assembly further comprises a first switch for opening and closing the first valve, and a second switch for opening and closing the second valve.

With respect to claim 20, wherein the air pump assembly is connected to the inflatable back support through the interior of the inflatable mattress pad.

### ***Response to Arguments***

Applicant's arguments filed 4/5/06 have been fully considered but they are not persuasive.

Regarding Grudzinskas, Applicant asserts "However, Grudzinskas fails to teach or suggest a mattress pad having an upper and lower portion, a back support adjacent to the upper portion, wherein inflation of the back support raises the upper portion and varies an angle between the upper and lower portions of the mattress pad, as recited in claim 1. In addition, Grudzinskas fails to teach an air pump assembly built into the mattress pad or the back support." The Examiner disagrees. Refer to the 35 USC 102(b) rejection by Grudzinskas. Further, as Grudzinskas' inflatable back support is inflated, the back portion of the chair itself inflates or distends, thus varying an angle between the upper and lower portions of the mattress pad. This interpretation similarly applies to claim 14.


### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James M. Hewitt whose telephone number is 571-272-7084.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel Stodola can be reached on 571-272-7087. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JMH  
June 14, 2006

  
**JAMES M. HEWITT**  
**PRIMARY EXAMINER**